

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Michael Taylor on November 19, 2007.

The Application has been amended as follows:

I. Claim 28, has been amended to insert the subject matter from claim 29, after the word "anatomy" at the end of the last paragraph of the claim, in line ¹⁴ 17. 1/9/08
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"; wherein said body portion further defines a recess within the volume to receive the navigation portion; wherein the navigation portion is operable to be selectively positioned in the recess through a passage through the outside surface; wherein the navigation portion is operable to be removed from the recess during imaging of the anatomy to assist in eliminating any distortion that may be caused by the navigation portion".

II. Claims 18, 20, 29, 34-37 and 44 have been cancelled.

III. Claims 30 and 31 have been amended to correct claim dependency by replacing the word "Claim 29" with "Claim 28".

The following is an examiner's statement of reasons for allowance:

The prior art of record does not disclose or suggest, *inter alia*, in a surgical navigation system a substantially minimally invasive dynamic reference frame for dynamically referencing portions of an anatomy, comprising: a body portion